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cause of action arose to protect. But it is hard to accept the argument that this same clause admits of an extension to give the Supreme Court power to declare when a state court rendering a decree of divorce was so lacking in jurisdiction that no other state may enforce the decree, or that in it can be found a power in Congress to pass a national divorce act. Surely the full faith and credit clause is a command to the states to give full faith and credit, not to deny it. Whether such a power to veto the enforcement of a divorce decree of another state lies in the due process clause of the fourteenth amendment is not discussed.

Perhaps the most satisfactory article is that on "Freedom of the Press." The true nature of the problem is pointed out; that is, the necessity of securing social and individual interests by allowing the fullest possible dissemination and discussion of truth and at the same time protecting existing social and political institutions. Truth in statement of fact and fairness of comment are the tests suggested as to the publication of matters of public concern, with motive not an issue. There is a vigorous criticism of "the judge-made law of contempt of court for publication censuring judges" by persons not parties to the litigation in question as "intolerable in a land of equality before the law."

The editors might well have contented themselves with the publication in a single volume of the more fundamental articles of general interest, but the work is published as a tribute to the memory of Professor Schofield by his colleagues, and as a memorial the two volumes fulfill their purpose admirably. They show the scope and nature of the author's work and make it more readily accessible to the profession. The high opinion which those who knew him best had of Professor Schofield and his work as a teacher and scholar appears in the two excellent forewords.

WILLIAM C. VAN VLECK.

THE QUESTION OF ABORIGINES IN THE LAW AND PRACTICE OF NATIONS. By Alpheus Henry Snow. New York: G. P. Putnam's Sons. 1921. pp. v, 376.

This question is: "First. What are the general principles of the law of nations which the colonizing States respectively have recognized and applied and now recognize and apply, as governing their respective relations with the uncivilized tribes which were inhabiting the regions colonized by them at the time they respectively assumed the sovereignty of the regions? Second. To what extent and on what principles have civilized States coöperated with each other in recognizing and applying these principles?" (p. 18).

Mr. Snow's book was written at the request of the State Department that the author "undertake the task of collecting, arranging, and, so far as he may deem necessary, editing the authorities and documents relating to the subject of 'Aborigines in the Law and Practice of Nations.'" This fact explains much in both form and substance. Apparently the author was pressed for time, for the request was made in April, 1918, and the Prefatory Note is dated December, 1918, though the heading of the book (p. 3) announces that it was "written at the request of the Department of State, 1919." In any event it seems to be a compilation intended to serve at the Peace Conference. There is, however, no indication of unfairness toward German colonial administration. The book lacks much of present interest because it omits consideration not only of the question of the mandate system under the League of Nations but of all questions raised by the War (such as recruiting or drafting of aboriginal troops by France) and indeed of everything that has happened in the last ten years, with the exception of a brief reference to our treatment of the Philippines.

The author's main thesis is that in controlling aboriginal races a state acts

as mandatory of the society of nations, that it is a trustee in the widest sense, a tutor or guardian of the native peoples. His proof, however, is not convincing to anyone acquainted with what has been done as well as what has been said. The author purports to tell us what is the law and practice of nations. But his attention is chiefly fixed on the diplomatic language of nations. He gives a diplomatic history of the treatment of inhabitants of lands occupied and ruled by the European races. (There is no mention of Japanese exploitation of Formosa or continental Asia.) He tells us of international agreements and municipal regulations. Of the performance of these agreements and the administration of these regulations little is said. And thus for over 300 pages we wander for the most part in a paradise of rather hypocritical diplomacy. The outward show of altruism is sometimes the harbinger of its inward growth, and we may hope that such is the case in this matter. Hypocrisy then is the manifestation of a sense of shame which has not yet become strong enough to change conduct. But it is conduct alone that constitutes the law, or at least the practice of nations.

After a discussion of the word "aborigines" and a short historical introduction, the policy of the principal states with colonial possessions is taken up under the titles, "Rights of Aborigines in Land," "Personal Rights of Aborigines," and "Agreements between Tribes and States." The latter half of the book deals chiefly with general treaties concerning central Africa and Morocco. The account of the relations of Great Britain and the United States with the American Indians is the most satisfactory part of the book, for, on the whole, judicial decisions and legislative documents, which are the author's mainstay throughout, give a fair idea of their actual legal status. But it is difficult to discover in these authorities intimations that the liberties denied or secured the Indians express a principle of international law. The gradual abolition of the slave trade is also told in an illuminating way. The author is of the opinion that, though international traffic in slaves is illegal today, inland slavery is "not contrary to the law of nations." If this is so, how can he rely on our treatment of free red men (or free black men) as establishing any principle of international law?

Mr. Snow's book contains many long quotations, which are none too carefully translated. His statements, moreover, are now and then inaccurate. These slips are probably to be attributed to haste, but they detract seriously from the value of the book. Thus a part of the Act of March 3, 1871, forbidding future treaties with Indian tribes, is printed (p. 207) as if a direct quotation, although it is the sense of the statute that is given and not the exact words. Again, the author says that "the question of Liberia is plainly not one of the relationship of civilized states to aboriginal tribes, since the inhabitants, though of aboriginal descent, are civilized" (p. 27). But the population of Liberia of American experience and their descendants comprise only about one per cent. of the total population, a proportion scarcely larger than that of the European population in adjacent parts of Africa. Laws of several colonies are translated not from the original language. Once indeed the author gives the law of a British colony translated from a French text (p. 167)! The translation of the resolutions of the Brussels African Congress (pp. 179-189) retains several unfortunate Gallicisms, such as "professional knowledge of the aborigines" "professional schools of aboriginal industries," and "judiciary authority." There are also numerous misprints, particularly in the French.

The book in short shows the usual shortcomings of hasty work, necessary perhaps in its compilation, but certainly not in its editing for publication. This is perhaps due to the fact that it was published posthumously. But it marks a beginning of systematic treatment of a topic of vital concern to exploited peoples and indeed to all peoples.

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